

CARLSMITH BALL LLP
DAVID LEDGER (CNMI BAR NO. F0195)
Carlsmith Ball LLP Building
Capitol Hill
Post Office Box 5241
Saipan, MP 96950-5241
Tel No. 670.322.3455

Attorneys for Defendants
American Overseas Marine Corporation
and General Dynamics Corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

KENNETH COUTURE,
Plaintiff,

vs.

AMERICAN OVERSEAS MARINE
CORPORATION and GENERAL
DYNAMIC CORPORATION,
Defendants.

CIVIL ACTION NO. CV05-0024

**DEFENDANTS' EX PARTE MOTION
UNDER LOCAL RULE 7.1.h.3(b) TO
SHORTEN TIME TO HEAR MOTION
FOR SANCTIONS; CERTIFICATION
PURSUANT TO LOCAL RULE
7.1.H.3(B); MOTION FOR
SANCTIONS; MEMORANDUM OF
POINTS AND AUTHORITIES;
EXHIBITS A & B; DECLARATION OF
SERVICE**

**DATE: APRIL 5, 2007
TIME: 10:00 A.M.**

**EX PARTE MOTION UNDER LOCAL RULE 7.1.H.3(B) TO SHORTEN TIME TO
HEAR MOTION FOR SANCTIONS**

Defendants American Overseas Marine Corporation and General Dynamic Corporation
move this Court for an Order shortening time to hear its Motion for Sanctions on April 5, 2005.

This Ex Parte Motion is based the attached Certification Pursuant to Local Rule 7.1.H.3(b), and

1 on the current schedule of the Court, which has set Plaintiff's Motion for Sanctions to be heard
2 on April 5, 2005.

3 **CERTIFICATION PURSUANT TO LOCAL RULE 7.1.H.3(B).**

4 American Overseas Marine Corporation and General Dynamic Corporation have
5 complied with the requirements for moving Ex Parte for an Order granting Motion for Sanctions.
6

7 Counsels' respective, phone, fax, and office locations appear in this pleading.


8 Counsel for Defendant, David Ledger, on March 15, 2007 during the hearing of
9 defendants' motion for summary judgment notified opposing counsel of this motion and the
10 accompanying ex parte motion to shorten the time to hear this motion to April 5, 2007, the same
11 date on which Plaintiff's motion for sanctions is scheduled to be heard.

12 The basis for the ex parte application is that the motion should be heard on the same day
13 as Plaintiff's motion for sanction, April 5, 2007.

14 Based on the foregoing, AMSEA and GENDYN hereby respectfully request the Court to
15 GRANT this Ex Parte Application to shorten time and to set this Motion for Sanctions to be
16 heard on April 5, 2007.

17 DATED: March 16, 2007.

18 CARLSMITH BALL LLP
19

20
21 
22 DAVID LEDGER
23 Attorneys for Defendant
24 American Overseas Marine Corporation

25 **MOTION FOR SANCTIONS**

26 Defendants American Overseas Marine Corporation (AMSEA) and General Dynamics
27 Corporation (GENDYN) pursuant to Local Rule 7.1.h.3(b) and LR 12.1, move for an Order
28 granting Motion for Sanctions.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

This motion seeks to preclude Plaintiff from utilizing in any way medical records which Medical Services Officer Carl Inglehart improperly altered subsequent to treating the Plaintiff's finger injury in March 2004.¹ The *U*naltered records are attached as Exh. A, the altered records as Exh. B. Defendants produced the unaltered records at the inception of the case as part of Rule 26 disclosures. The basis of this motion is that Plaintiff's counsel intentionally concealed the existence of such records

Defendants have informed the Court that they agree that altering the medical records was improper and perhaps even motivated by an ill-advised attempt by Inglehart to cover up a mistaken diagnosis and incomplete treatment of the injury. In particular, the medical records prepared contemporaneous with the treatment (Exh. B) contain no reference to Inglehart advising the Plaintiff to get an x-ray of the injured finger. Defendants and their medical experts recognize that the injury warranted an x-ray to determine whether or not the finger was fractured, and that failure to provide an x-ray would not meet the standard of care for medical treatment in this instance. It is a known fact that Defendants played no role whatsoever in Inglehart's decision to alter the records or in the alteration itself.

II. Factual Background

As noted above, the unaltered medical records were produced from defendants' files in

¹ Inglehart was not employed by Defendants when he treated the Plaintiff or when he altered the medical records. Defendants acknowledge that for purposes of meeting their duty to provide proper medical care Inglehart was their chosen provider and that responsibility for any shortcomings in the care provided ultimately rests with Defendants. But that is where it ends. As a civilian employed by the Military Sealift Command assigned to provide medical care for U.S. Navy personnel on board the vessel, and in having complete control over and responsibility for his own medical records, Defendants are not saddled with Inglehart's actions in altering medical records because his motivation for doing so were purely his own and in now ay attributable to AMSEA.

1 initial disclosures. Plaintiff's medical records were not part of the vessel's medical records
2 normally maintained by the vessel's chief mate² and at AMSEA headquarters. This is because
3 Inglehart was a civilian employed by the Military Sealift Command assigned to the U.S. Navy
4 personnel on board the vessel as their dedicated medical services officer. Since Plaintiff's finger
5 injury required more specialized care than the chief mate had training to provide, he sought
6 assistance and medical care from Inglehart, who was much more highly trained and experienced
7 in treating injuries such as this one. In hindsight, that was a "mistake" which has haunted
8 AMSEA.³

10 Turning to the matter of the altered medical records, Plaintiff's counsel kept the existence
11 of the records secret with the specific intent to set and spring a trap on Defendants from which
12 there could be no escape. As it turned out, it was only a fortuitous event which caused Defense
13 counsel to learn of the existence of the altered medical records just minutes prior to the
14 commencement of Plaintiff's deposition of Inglehart. Even then, defense counsel had no hint that
15 Plaintiff's counsel had obtained the records about a month earlier, but yet had intentionally not
16 disclosed them. What follows is a chronological list of events which occurred, in the form of a
17 sworn declaration.

19 1. At the inception of this action Inglehart's unaltered medical records were
20 produced in initial disclosures. Those records came from AMSEA's home office files. Deposition
21 testimony has shown that AMSEA obtained the medical records by way of its ship-board
22 personnel copying the records from Inglehart's original medical log book and forwarding them to
23 AMSEA headquarters in Massachusetts.

25
26 ² The chief mate on AMSEA vessels is the designated medical services provider for AMSEA crewmen. However,
27 his training is limited to basically "first-aid" and in certain approved situations administering drugs. The chief mate
28 would be the custodian of records for medical care so provided, which in turn would be AMSEA records and files.

³ Although it has not yet come out in evidence put before the Court, it is undisputed that once Capt. Hagner
recognized that additional medical care was needed, such care was immediately ordered and the care was continued
at no cost to plaintiff until the treating doctors cleared Mr. Couture to work.

1 2. Plaintiff noticed the deposition of Carl Inglehart for April 25, 2006. Inglehart
2 asked for a one month continuance due to personal business off-island. Plaintiff's counsel
3 informed me of this and informed me that they would allow the continuance if Inglehart could
4 show that he in fact had pre-existing travel plans. As a result, I did not appear for the April
5 deposition nor did I have any contact whatsoever with Inglehart.
6

7 3. Plaintiff's counsel informed me that as a condition of allowing the continuance of
8 the deposition, they asked Inglehart to provide a copy his plane ticket to confirm the off-island
9 travel he said he had to undertake. Plaintiff's counsel subsequently informed me that Inglehart
10 had provided a copy of his plane ticket, and that accordingly the deposition would be noticed to
11 take place on May 26, 2006. *It was subsequently learned that at the same time Inglehart had*
12 *provided a copy of his plane ticket to opposing counsel he had also provided them copies of*
13 *his altered medical records. Neither this fact nor the altered records were ever disclosed to*
14 *defense counsel.*
15

16 4. When I appeared for the deposition on May 25, 2006 I was shown a copy of the
17 plane ticket Inglehart had provided, *but was still not shown the altered medical records he had*
18 *provided together with the plane ticket.*
19

20 5. When Inglehart appeared for the deposition I requested a few minutes to meet
21 with him prior to beginning testimony because I had never before spoken to him about the case.
22 One of plaintiff's two lawyers agreed, but the other seemed oddly reluctant. I was given a few
23 minutes to meet with Inglehart privately. I was later told by one of plaintiff's lawyers that the
24 other was anxious to interrupt my pre-deposition meeting with Inglehart.
25

26 6. During my meeting with Inglehart he explained that he had "been here about a
27 month ago when he had come in to show his plane ticket". Inglehart went on to say that he had
28 his medical records with him. My response was "fine, because I too had copies of the records

1 from AMSEAS's file", and had provided copies to Plaintiffs lawyers as was routinely done in
2 litigation.

3 7. At that point I asked Inglehart to see the medical records he had with him, just as
4 a part of routine preparation to defend the deposition. He commented that his records "showed
5 that he had advised Couture to get an x-ray." I was shocked to hear this.
6

7 8. I looked at Inglehart's records and compared them with the ones I had produced in
8 discovery. The records were different in that Inglehart's records in fact did have several entries
9 referencing instructions to get x-rays. I pointed this difference out to Inglehart and asked him to
10 explain the existence of two sets of medical records which said something different. He told me
11 that when he had "heard rumors" that he was being blamed for Plaintiff's condition for not
12 advising an x-ray, he "went back and inserted the x-ray language to confirm the verbal advice he
13 had given [Mr. Couture] at the time of treatment about getting x-rays". At this point I still did
14 not know Plaintiff's counsel were in possession of the altered records.
15

16 9. Thus, I promptly brought the two different sets of medical records to the attention
17 of Plaintiff's Counsel; that is, I specifically pointed out that Inglehart's set had references to x-
18 rays and the set I had produced in discovery did not. I did this prior to the deposition
19 commencing because I wanted to be sure that plaintiff's counsel were aware of the two sets of
20 records before commencing their deposition. Sadly, Plaintiff's counsel already knew this but had
21 intentionally kept it secret.
22

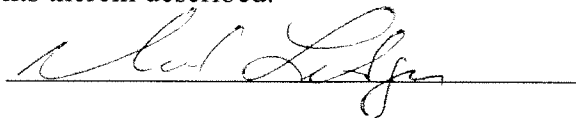
23 10. I was shocked to hear that Plaintiff's counsel had in fact obtained the altered
24 records from Inglehart back in April when he provided a copy of his plane ticket, and yet had
25 never disclosed the existence of such records to me; *not even when I was told about the plane*
26 *ticket or later when I was shown a copy of the plane ticket.* Instead, opposing counsel had
27 intentionally kept secret the existence and their copies of the altered medical records
28

1 notwithstanding that they rather obviously intended to rely heavily on the altered records to
2 support their contention and claim that Inglehart had failed to meet the standard of care for
3 medical treatment by failing to diagnose a fracture and order an x-ray as part of treatment. It was
4 also apparent that they intended to use the altered records to discredit a witness they contended
5 was an agent of AMSEA at the time he rendered medical care to plaintiff.
6

7 11. It was obvious that Plaintiff's counsel had all along intentionally kept the *altered*
8 records secret as part of their plan to spring them on me by surprise during Inglehart's deposition,
9 while at the same time springing the *unaltered* records I had produced in discovery on Inglehart
10 during his deposition. It was only the fortuitous pre-deposition meeting I had with Inglehart
11 during which he showed me his records which averted this cleverly contrived scheme.
12

13 12. My ensuing investigation into this situation included obtaining the *original*
14 medical logbook off of the vessel to see whether or not the x-ray language was on the original,
15 which it was. I provided the original logbook to Plaintiff's counsel for inspection and copying at
16 the subsequent deposition of Inglehart which I took.

17 13. Pursuant to 28 USC Section 1746, I declare under penalty of perjury that the
18 above numbered paragraphs 1 through 12 are true and correct to the best of my recollection of
19 the events therein described.
20

21 

22 Dated: March 16, 2007.

23
24 **III. Discussion**

25 Defendants seek the imposition of sanctions pursuant to Federal Rule of Civil Procedure
26 37. Rule 37 *compels* the imposition of sanctions for failure to disclose discoverable information.

27 Rule 37 states:
28

1 A party that without substantial justification fails to disclose
2 information required by Rule 26(a) or 26(e)(1) or to amend a prior
3 response to discovery as required by Rule 26(e)(2), is not, unless
4 such failure is harmless, permitted to use as evidence at a trial, at a
5 hearing, or on a motion any witness or information not so
disclosed. In addition to or in lieu of this sanction, the court, on
motion and after affording an opportunity to be heard, may impose
other appropriate sanctions.

6 Fed. R. Civ. P. 37(c)(1). Other available sanctions include (1) designating facts as established,
7 (2) refusing to allow the disobedient party to support or oppose designated claims or defenses;
8 (3) prohibiting that party from introducing designated matters in evidence, or (4) treating as a
9 contempt of court the failure to obey any orders. Fed. R. Civ. P. 37(b), (c). Sanctions imposed
10 pursuant to Rule 37 must be both "just" and based on the full record before the Court. *Ins. Corp.*
11 *of Ireland v. Compagnie des Bauxites*, 456 U.S. 694, 707 (1982).

13 Evidence which is withheld from another party is characterized as spoliated evidence.
14 The right to impose sanctions for spoliation arises from a court's inherent power to control the
15 judicial process and litigation, but the power is limited to the necessity to redress conduct which
16 abuses the judicial process. *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583, 590 (4th Cir. 2001).
17 The policy of the Court's inherent power in this regard is to preserve the integrity of the judicial
18 process in order to retain confidence that the judicial process works to uncover the truth. *Id.* The
19 Court thus has broad discretion to sanction for spoliation, as long as the sanction serves the
20 prophylactic, punitive, and remedial rationales underlying the spoliation doctrine. *Id.* The
21 sanction also depends on (1) the degree of prejudice suffered by the opposing party; (2) whether
22 the prejudice can be cured; (3) the practical importance of the evidence; (4) whether the plaintiff
23 was in good faith or bad faith; and (5) the potential for abuse if the evidence is not excluded. *Id.*
24 *See also Paramount Pictures Corp. v. Davis*, 234 F.R.D. 102, 111 n.3 (E.D. Pa. 2005).

27 Sanctions are warranted here because of the sharp practice involved and the prejudice and
28 abuse this has inflicted and will continue to inflict on Defendants. Rather than disclosing the

1 altered medical records upon immediately becoming aware of them in April 2006, Plaintiff's
2 counsel kept the existence of the records secret with the specific intent to set and spring a trap on
3 Defendants from which there could be no escape. As it turned out, it was a fortuitous event
4 which caused Defense counsel to learn of the existence of the altered medical records just
5 minutes prior to the commencement of the medical officer's deposition. Even then, defense
6 counsel did not yet know Plaintiff's counsel already had their own copy of the altered records.
7 When defense counsel promptly brought the situation to light, Plaintiff's counsel appeared
8 crestfallen that they would not be able to "spring the trap" i.e., the altered medical records on the
9 deponent and defense counsel during the deposition. In other words, "the cat was out of the bag".
10

11 Plaintiff intentionally withheld critically important documentary evidence from
12 Defendant so as to be able to "blind-side" defense counsel and the deponent during a deposition,
13 thereby spoliating the evidence and prejudicing Defendant. Instead of turning the altered
14 medical records over to Defendant when they came into possession of them, and all the while
15 knowing full well of their intentions to use the medical records prove their claims, opposing
16 counsel hid them. Furthermore, Plaintiff has since utilized the Inglehart altered records to trap
17 Defendant into a position that does not focus on the truth or any relevant issue, but rather is
18 admittedly aimed at inflaming the jury to enhance a jury verdict. This is paradigm bad faith
19 litigation and should not be permitted at trial of this action.⁴
20
21

22 If this conduct is not redressed, Plaintiff will seek and perhaps be permitted to improperly

23 ⁴ This situation is markedly different from the example the Court discussed during settlement conference. In that
24 instance the court noted that admitting to intoxication in a case where intoxication is the cause of the harm is not
25 grounds for excluding evidence of the level of intoxication during the trial. Defendant agrees with this example
26 because the level of intoxication continues to be relevant to the actual harm caused even if the intoxication itself is
27 admitted. This case is an entirely different situation. Here, Defendants acknowledge that the standard for medical
28 care was not met because an immediate x-ray was indicated yet not ordered by the medical provider. This is what
may have caused harm to the Plaintiff, not the existence of altered medical records which have no relevance to the
level of harm that may have flowed from the missed diagnosis and failure to order an x-ray. In this instance, the
altered medical records have absolutely no purpose other than to inflame the jury by making the jury think that
AMSEA was responsible for the "bad acts" of Inglehart when in fact AMSEA had no knowledge of the altered
records until May 2006 when they first came to light.

1 inflame the jury utilizing evidence under the auspices of bad faith on the part of the Defendants
2 while knowing full well that Defendants had nothing to do with the alteration of records, that it
3 was an ill-advised independent act of the medical services officer who was not employed by
4 Defendants, and also knowing full well that the altered records have absolutely no relevance to
5 any issue before the court; in particular, any harm to the Plaintiff. As Plaintiff's counsel clearly
6 explained at the settlement conference on March 14, 2007, their intent is to parade the altered
7 medical records in front of the jury for the sole purpose of enhancing a verdict on so-called "bad
8 facts." These "bad facts" are not of defendants' making and it would be grossly prejudicial for
9 the jury to punish Defendants for bad acts attributable to a third person over whom defendants
10 had absolutely no control. Moreover, the jury would punish defendants for "bad acts" which did
11 not cause or contribute to cause any harm to Plaintiff.
12

13
14 The appropriate sanction, therefore, is to prevent Plaintiff from utilizing, referring to, or
15 introducing as evidence the Inglehart altered medical records. This will not harm Plaintiff,
16 because Defendant has already informed the court that it is agreed that the one-month delay in
17 receiving full and proper medical care did have some impact on plaintiff, the only question being
18 what is the measure of that impact in terms of compensation.
19


20 Defendant also seeks the imposition of attorneys fees and costs for the willful and bad
21 faith withholding of evidence by Plaintiff. Fed. R. Civ. P. 37. This includes the fees and costs
22 for bringing and presenting this motion.

23 **IV. Conclusion**

24 The Inglehart medical records should be stricken entirely and no reference whatsoever to
25 them during trial should be permitted.

26 DATED: March 16, 2007.
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1 CARLSMITH BALL LLP

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4 DAVID LEDGER
5 Attorneys for Defendant
6 American Overseas Marine Corporation
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Navy Form 1040-00-830-4176

HEALTH RECORD

CHRONOLOGICAL RECO



DATE	SYMPTOMS DIAGNOSIS TREATMENT TREATING ORGANIZATION (Sign each entry)
3/25/04 0900	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AF 96601-7100 S: 394.0. w/m \approx 2" laceration @ lateral side of 5 th finger @ hand, mild pain. State "handling iron pipes & causing injury. Can have flexion & ROM to finger. O: w/d/m/m \neq ϕ K.O.A. ϕ other problems except lacerated 5 th finger @ hand due to injury, ϕ signs of fx or tendon injury to finger; Copious bleeding, good blood supply. A: Laceration 2" long to capsule of finger 5 fx or tendon injury. P: Debrided & Bist. Scrub and local 1% Lidocaine, 2cc: into laceration & (7) seven 3-0 nylon sutures applied. Tetanus immunization current. Clean sterile dressing applied. ^{Bandage joint} Elevate & placed on light duty.
3/26/04 1130hrs.	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AF 96601-7100 SNM returned for F/U & dressing change. ϕ signs of infection, minimal draining on onset, Sutures intact ϕ pain. Changed dressing and kept as clean as possible. Will F/U eval on 3/28/04 CARL INGELHART MEDICAL SERVICE OFFICER
3/28/04	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AF 96601-7100 Returned for dressing change. ϕ signs of infection, healing well. To keep clean. Will change dressing on 3/30/04 CARL INGELHART MEDICAL SERVICE OFFICER

PATIENT'S IDENTIFICATION (Use this space for Mechanical Imprints)

RECORDS MAINTAINED AT	PATIENT'S NAME (Last, First, Middle initial)	SEX
	Coutera, Kenneth L.	M
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE
	O-med	
SPONSOR'S NAME	ORGANIZATION	
	Amara Contract	
DEPT./SERVICE	SEN/IDENTIFICATION NO	DATE OF BIRTH
	536-62-6199	8/25/55

MEDICAL SERVICE OFFICER

CVFK →

000078

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV 3-84)
Prescribed by GSA and ICMA

Exh. A

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
3-30-04 1000 hrs.	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FTO AF 96601-7108 SNM returned to sick bay for F/U eval of laceration to 5 th finger (R) hand. Suture intact, will remove on or about 3 rd April 04. Has some residual hematoma from injury but has ROM to finger, clean, sterile dressing applied & Bacitracin Ointment. Will F/U on Thursday. <i>[Signature]</i> CARL INGLESART MEDICAL SERVICE OFFICER
4-1-04 1100 hrs.	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FTO AF 96601-7108 SNM returned for F/U of 5 th finger (R) hand laceration occurring 1 wk ago. Suture still in place, no signs of edema or infection. Did place clean, sterile dressing & Bacit Oint. & Splint. Advised that MSO will remove suture on Sat & the last on Sunday 3 rd & 4 th April to see if tolerated. F.F.F.D. <i>[Signature]</i> CARL INGLESART MEDICAL SERVICE OFFICER
4-3-04 1000 hrs.	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FTO AF 96601-7108 SNM returned for suture removal of laceration to 5 th finger (R) hand. Removed (F) suture 3-0 nylon. Laceration has healed. Will still place splint to arm & sterile dressing for 3 days. F.F.F.D. <i>[Signature]</i> CARL INGLESART MEDICAL SERVICE OFFICER
4-8-04	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FTO AF 96601-7108 SNM returned for F/U of laceration sustained 2 wks ago to 5 th finger (R) hand. Laceration has healed but now has slight twinge pain to arm possibly due to nerve impairment. If it radiates/continues should see neurologist for F/U. As of now SNM is fit for full duty. <i>[Signature]</i> CARL INGLESART MEDICAL SERVICE OFFICER

NPN 12-0-0-534-4776



HEALTH RECORD		CHRONOLOGICAL RECC	
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)		
3/25/04 0900	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AP 96601-7108		
	S: 394.0 w/m \pm 2" laceration to @ lateral side of 5 th finger Rhand, mild pain. State "Handling rim pipes & causing injury. Can have flexion & ROM to finger. O: w/d/w/m \pm ϕ KOA, ϕ other problems except lacerated 5 th finger Rhand due to injury, ϕ signs of fx or tendon injury to finger; Copious bleeding, good blood supply. A: Laceration 2 1/2" long to capsule of finger 5 ft or tendon injury. P: Scrubbed & Bat. Scrub. and local 1% Lidocaine, 2cc into laceration & (7) Ever 3-0 nylon sutures applied. Tetanus immunization current. Clean sterile dressing applied. To elevate & placed on light duty.		
3/26/04 1130hrs	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AP 96601-7108		
	SNM returned for Flv & dressing change. ϕ signs of infection, minimal draining on onset, Sutures intact. ϕ pain. Changed dressing and is to keep as clean as possible. Will Flv eval on 3/28/04		
3/28/04	MEDICAL DEPARTMENT MARITIME PREPOSITIONING SHIPS SQUADRON THREE UNIT 25101 FPO AP 96601-7108		
	Return for dressing change. ϕ signs of infection, healing well. To keep clean & dry. Will change dressing on 3/30/04		
PATIENT'S IDENTIFICATION (Use this space for Mechanical Imprint)		RECORDS MAINTAINED AT: AT PATIENT'S NAME (Last, First, Middle initial): Carter, Kenneth L. RELATIONSHIP TO SPONSOR: Q-med SPONSOR'S NAME: Anna Carter DEPART./SERVICE: 536-62-6199 SSN/IDENTIFICATION NO.: 8/25/55	
		MEDICAL SERVICE OFFICER: CARL INGLEHART OVER	

CHRONOLOGICAL RECORD OF MEDICAL CARE

 STANDARD FORM 600 (REV 5-84)
 Prescribed by GSA and ICMA
 FPMR (41 CFR) 301-45.505

Exh. B

DECLARATION OF SERVICE


The undersigned hereby declares that on the 15th day of March 2007, I will cause to be served, via electronic filing/service, a true and correct copy of **DEFENDANTS EX PARTE MOTION UNDER LOCAL RULE 7.1.H.3(B) FOR AN ORDER GRANTING MOTION FOR SANCTIONS; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF SERVICE** upon the following Counsels of record:

William M. Fitzgerald, Esq.
Law Office of William M. Fitzgerald
1st Floor, Macaranas Building
Post Office Box 909
Ph: 670-234-7241
Facsimile: 670-234-7530
Saipan, MP 96950

and

Bruce Berline, Esq.
Law Office of Bruce Berline
1st Floor, Macaranas Building
Post Office Box 5682 CHRB
Ph: 670- 233-3663
Facsimile: 670-233-5262
Garapan, Saipan MP 96950

DATED: March 16, 2007.


DAVID LEDGER